



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DINSMORE & SHOHL LLP
ONE DAYTON CENTRE, ONE SOUTH MAIN STREET
SUITE 1300
DAYTON OH 45402-2023

COPY MAILED

MAY 20 2008

OFFICE OF PETITIONS

ON PETITION

In re Application of :
HACHIKIAN, ZAKAR RAFFI :
Application No. 10/659,805 :
Filed: 09/11/2003 :
Attorney Docket No. ITW 0006 :
IA/41038.9/14350 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 5, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a timely and proper reply within the meaning of 37 CFR 1.113 to the final Office action of October 16, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Petitioner obtained an extension of time for response within the third month pursuant to the provisions of 37 CFR 1.136(a). Accordingly, the date of abandonment of this application is April 17, 2008. A Notice of Abandonment was mailed on April 25, 2008.

In response to the final Office action, petitioner filed an amendment and a request for an extension of time for response within the third month (and fee) on April 16, 2008. The Examiner reviewed the amendment of April 16, 2008, and determined that the amendment did not place the application in condition for allowance, as stated in the Advisory Action of April 24, 2008. On May, 2008, petitioner submitted the present petition, a request for continued examination (RCE), and the requisite fees.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a RCE (and fee) and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

This application is being referred to Technology Center AU 1796 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions